

ZB# 70-4

**Donald Johnston &
Sidney Brundage**

(no SBL)

70-4-
~~James Z. Patsalos~~
Johnston & Brundage
11-16-70
8:45 A.M. ~~Feb 13 76~~ ~~Feb 13 76~~

Lila

**PUBLIC NOTICE
OF HEARING BEFORE
THE ZONING BOARD
OF APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 48-32A of the Zoning Ordinance on the following proposition:

Appeal No. 4 Request of Donald Johnston & Sidney Brundage for a Variance of the regulations of the Zoning Ordinance, to permit the erection of a building to house an insurance business, being a Variance of Article 48-35, Section 48-35, for property owned by him situated as follows: West side of Union Ave. approx. 940 ft. south of Route 207, 100 feet on Union Avenue, on the north bounded by lands of Goldin, on the east of lands owned by Patsalos, and the west by the New York State Thruway SAID HEARING will take place on the 5th of October, 1970, at the New Windsor Town Hall, 555 Union Ave., beginning at 8 o'clock P.M.

Louise A. Budney
Chairman
PATRICIA DELIO, SECRETARY
New Windsor
Zoning Board of Appeals
7 Franklin Ave.
New Windsor, N.Y. 12550

Sepl. 25

**State of New York
County of Orange, ss:**

Hugh V. Nocton , being duly sworn deposes and says that he isPrincipal Clerk..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News. a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was publishedOnce..... in said newspaper, commencing on the.....25th.....day ofSeptember.....A.D., 1970 , and ending on the25th..... day ofSeptember..... A.D., 1970

Subscribed and sworn to before me this

.....1st..... day of.....October..... 19.....70.....

} *Hugh V. Nocton*
Patricia Delio

**Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1971**



Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 70-4

Date: July 1, 19 70

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Donald Johnston and of 695 Broadway
Sidney Brundage (Street & number)

Newburgh, New York 12550 HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY west side of Union Avenue, between Route 207
and Route 17K, in said Town of New Windsor
(Street & number) (Use district on Zoning Map)
- B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article,
section, sub-section and paragraph of the Zoning Ordinance applicable,
by number. Do not quote the ordinance: _____)

- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning
Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land,
structure or building and do not apply to the neighboring lands,
structures or buildings in the same zone because: applicants wish to
build an office building which will house their insurance business, as
well as rental space being available for other tenants; this land is
already zoned as commercial and there is a commercial building currently
being erected for a moving and storage business on the same side of
Union Avenue north of the within property
2. Strict application of the provisions of this ordinance would deprive
the applicant of a reasonable use of the land, structure or building
in a manner equivalent to the use permitted to be made by other owners
of their neighboring lands, structures or buildings in the same zone
because: the structure contemplated to be built is one which will
upgrade the area and will not detract from the land use nor value
of the surrounding properties.
3. The unique conditions and circumstances are not the result of actions
taken of the applicant subsequent to the adoption of the Ordinance
because: the structure contemplated to be built is one which will
upgrade the area and will not detract from the land use nor value of
the surrounding properties.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the structure contemplated to be built is one which will

upgrade the area and will not detract from the land use nor value of the surrounding properties.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the structure contemplated to be built is one which will upgrade the area and will not detract from the land use nor value of the surrounding properties.

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Submitted herewith are sketches of the proposed structure, said office building, which will house the the insurance office of the applicants, as well as additional rental space for tenants.

- E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Bd. of Appeals.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239m of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Bd.

Dated: August 31/70

STATE OF NEW YORK)
COUNTY OF ORANGE)

157 SS

Sworn to on this 21st day of July 1970

Donald T. Johnson

Signature of Applicant

Sidney G. Gurnidge

Address

265-4480

Peter C. Pitsalis
(Notary Public)

NOTARY PUBLIC
Notary Public, State of New York
Residing in Orange County
My Commission Expires Mar. 30, 1971

Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 76-4
Date of Hearing Sept 21 Oct 5th, 1970
Date of Decision Oct 5, 1970

Date Received July 1, 1970
Notice Published Sept 25, 1970

DECISION: Denied -

7 Franklin Ave.
New Windsor, N. Y. 12550
October 10, 1970

Peter C. Patsalos, Esq.
476 Broadway
Newburgh, N. Y. 12550

Re: Application No. 70-4
Variance - Johnston & Brundage

Dear Mr. Patsalos:

Please be informed that at a meeting of the New Windsor Zoning Board of Appeals, held on Monday, October 5, 1970, it was the decision of the Board to deny the above application for a variance.

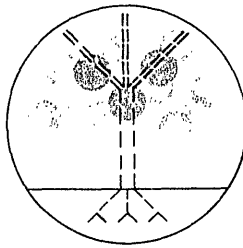
Yours very truly,

Patricia Delio, Secretary

cc: Howard Collett, Bldg. Inspector
Town of New Windsor

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

July 14, 1970

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board of Appeals
Veronica Avenue
New Windsor, New York 12550

Re: State Farm Insurance - Union Avenue

Dear Mrs. Budney:

We are in receipt of an application for area variances by Johnston and Brundage to erect an office building on Union Avenue. This application has been reviewed according to Sections 239 1 and m, Article 12-B of the General Municipal Law.

The zoning in this area has been changed to permit office buildings as recommended by our Department last year as a result of a similar application. This application, however, appears to be no different than the previous application, denied by the Orange County Planning Board, which requested area variances.

Our primary concern in this matter as stated in our letter of denial dated November 6, 1969, is that of curb cuts onto Union Avenue in the vicinity of Route 207. This area was zoned GI which requires 150 foot lot widths and 40,000 square foot lot areas and has since been rezoned to OLI which requires 80,000 square foot lot areas and 200 foot lot widths. We have no objection to variances for lot area or depth in this matter, but do object to variances for lot width since smaller lots generally create more curb cuts.

The recent application of Goldin on the adjacent property provided for a common curb cut for the property in question. We feel that the applicant should take advantage of this access point and that all future development in this area should be properly planned using as few curb cuts as possible due to the increasing traffic volumes in this area.

Mrs. Louise A. Budney

- 2 -

July 14, 1970

We hereby deny County approval of this application in its present form without prejudice to a future submission indicating a relocation of the proposed curb cut so that the total number of curb cuts in this stretch of Union Avenue will be kept to a minimum.

Very truly yours,

A handwritten signature in cursive script, reading "Peter Garrison".

Peter Garrison
Commissioner of Planning

PG:f

cc: Peter Patsalos
Daniel Lisack

Veronica Avenue
New Windsor, N. Y. 12550
September 9, 1970

Peter C. Patsalos, Esq.
476 Broadway
Newburgh, N. Y. 12550

Re: Application for Variance by
Johnston & Brundage

Dear Mr. Patsalos:

In accordance with your letter of September 3, 1970, the following is a list of adjacent property owners which I pulled from the 1969 Zoning Board file in the above connection:

Harold Adams
Highland Avenue
Maybrook, N. Y.

Edward Leon Goldin
12 McCord Drive
Newburgh, N. Y.

Barbara Conklin (Mrs.)
18 Memorial Drive
Newburgh, N. Y.

City Clerk
City of Newburgh-City Hall
Newburgh, N. Y.

N.Y.S. Thruway Auth.
Elsmere,
New York

Very truly yours,

Patricia Delio, Secretary

/pd

PETER C. PATSALOS

COUNSELOR AT LAW

TELEPHONE 565-4480
AREA CODE 914

476 BROADWAY
NEWBURGH, NEW YORK 12550

September 3, 1970

Mrs. Patricia Delio
New Windsor Zoning Bd. of Appeals
7 Franklin Avenue
New Windsor, New York 12550

Re: Application for Variance by Johnston & Brundage,
Union Avenue, New Windsor, New York

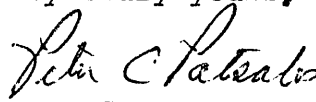
Dear Mrs. Delio:

This is to confirm Monday, October 5, 1970 at 8:00
P.M., for a public hearing on the above application.

Would you be so kind as to call or write my office giving the names of the five property owners surrounding the subject property. The reason I ask this, is because this is a re-appeal, and the copies of the certified letters, as required by your ordinance, were submitted to your Zoning Board with the last application, and I understand that the property owners have remained the same. I did receive the property owner's names from the Assessor for the last application, but have misplaced the list.

In the event you do not have copies of the letters, please inform so that I may get them from the Assessor.

Very truly yours,


Peter C. Patsalos

PCP/np

Johnston & Brundage - Tax Map list

Harold Adams - Highland Ave.
Maybrook, N.Y.

Edward Leon Goldin - 12 McCord Dr.
Newburgh, N.Y.

Mrs. Barbara Conklin - 18 Memorial Dr.
Newburgh

City Clerk - City Hall
Newburgh

N.Y.S. Thruway Auth. - Elsmere, N.Y.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date March 30, 1970

To James Z. Patsoles Don Johnston & Sidney Brundage
Union Ave. (Ship and Osborn Ins. Co.)
562-2050

PLEASE TAKE NOTICE that your application dated March 30, 1970
for permit to Construct lot on 100' frontage x 250 deep office building
at the premises located at for State Farm Insurance co.

is returned herewith and disapproved on the following grounds:

- (1) Lot Size x 80,000 sq. ft. (area)
- (2) Set back 50 sq. ft.
- (3) Size yard variance (OLI) side yd.


.....
Building Inspector

CC Z.B.A.

Call John Patsoles 5-4480

CC 2, B, A.

395 am st

3/30/70

APPLICATION is hereby made for the following:

Agenda ☒ Service ☐

1. Name James 2 ~~East~~ Pot 50.10.4
Address Union Ave. (Sh. & Osborn Ins. Co.)
Telephone Number 56 81-2050

Are you the owner of the property? ☐

2. Briefly describe intention (or attach) and location of property: Pot on Lot 100' front x 250' deep
office Building for State Farm Ins. Co.

3. PLANNING BOARD

☐ Site Plan Preliminary Meeting

☐ Subdivision Preliminary Meeting

☐ Informational Meeting

AGENDA DATE APPEAR April 6th to set date for Hearing, etc.

4. ZONING BOARD OF APPEALS

☒ Interpretation of Ordinance or Map

☐ Variance (Notify P/B - Plans if necessary)

☐ Informational Meeting

AGENDA DATE ☐

5. BUILDING PERMIT

☐ Planning Board action needed

☐ ZBA. action needed

☐ Site Plan needed

☐ Subdivision approval needed

☐ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that

